REMARKS

Claims 1-23 are pending in the application.

Claims 1-23 have been rejected.

Claims 2, 8, 12, and 17-18 have been canceled, without prejudice.

Claims 1, 11, 16 and 21-23 have been amended, as set forth herein.

I.   REJECTION UNDER 35 U.S.C. § 102

Claims1-4, 11, 16 and 21-23 were rejected under 35 U.S.C. § 102(b) as being anticipated by

Goldstein (US Patent No. 7,042,999). The rejection is respectfully traversed.

A cited prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if

every element of a claimed invention is identically shown in that single reference, arranged as they

are in the claims. MPEP § 2131; *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed.

Cir. 1990). Anticipation is only shown where each and every limitation of the claimed invention is

found in a single cited prior art reference. MPEP § 2131; *In re Donohue*, 766 F.2d 531, 534, 226

U.S.P.Q. 619, 621 (Fed. Cir. 1985).

Applicant has amended independent Claim 1 to recite, inter alia, (1) terminating the call at

a softswitch-compliant gateway, (2) forwarding the call to a softswitch, (2) receiving the call and

querying a database using the dialed number to determine a network address associated with a

packet-switch device, and (4) forwarding the call from the softswitch server to the packet-switch

device using the determined network address.

Applicant has amended independent Claim 11 to recite, inter alia, (1) terminating the call at a softswitch-compliant gateway in response to the location routing number, (2) forwarding the call to a softswitch, (3) translating the call in the softswitch in response to forwarding the call and in response to the dialed number, and (4) switching the call to a network address associated with the dialed number, the network address associated with a packet-switch device.

Applicant has amended independent Claim 16 to recite, inter alia, (1) terminating the call at a softswitch-compliant gateway in response to switching the call and in response to the local routing number, (2) forwarding the call to a softswitch, and translating the dialed number to a network address in the softswitch in response to forwarding the call to the softswitch, the network address identifying a packet-switch device.

Independent Claims 21, 22 and 23 have been similarly amended.

Goldstein describes a long distance (LD) switch 109 that terminates a call directly via a communication path 117 to a station 115 (or via the local exchange carrier (LEC) 113 using local switch 111). Goldstein, Figure 1; Col. 5, lines 7-9. The path 117 represents a private tie trunk or switch and trunk termination, such as a dedicated access line (DAL). Alternatively, the path 117 may be implemented as a wireless communication channel, an internet protocol (IP) connection (e.g., VOIP session), or a channel supported by a cable network. Goldstein, Col. 5, lines 12-16. Other than this alternative and generalized description of path 117, Goldstein's network and devices appear to be circuit-switched devices.

Applicant's independent Claims each recite (1) terminating the call at a softswitch-compliant gateway, (2) forwarding the call to a softswitch. Goldstein describes a circuit-switched network and devices, which may alternatively include a path 117 from the LD switch 119 to the station 105 where the path 117 may include IP communications. Goldstein does not disclose terminating a call at a softswitch-compliant gateway or forwarding the call to a softswitch.

Accordingly, the Applicant respectfully requests the Examiner withdraw the § 102(b) rejection of Claims 1-4, 11, 16 and 21-23.

II.   REJECTION UNDER 35 U.S.C. § 103

Claims 5-10, 12-15 and 17-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Goldstein (US Patent No. 7,042,999) in view of Chu (US Patent Application Publication No. 2005/0068942). The rejection is respectfully traversed.

Chu is directed to the establishment and management of VOIP in an IP-based system. This system uses data packets (IP packets) in what appears to be a 100% packet-based network. See, Chu, Figures 1-15. None of the cited portions of Chu discloses or describe calls originating from a circuit-switch network using local routing numbers and ported numbers, terminating the circuit-switch call at a softswitch compliant gateway and forwarding the call to a softswitch for translation or lookup to find the network address of the called device. From this, Chu's focus is on a complete packet-based network, and Chu does not teach or describe how to interface a circuit-switch network with a packet-switch network. Thus, there does not appear to be any articulated reasoning with some

rational underpinning to support that the two references should be combined, and even if combined, that the combination would teach or suggest Applicant's claimed invention.

Accordingly, the Applicant respectfully requests withdrawal of the § 103(a) rejection of Claims 5-10, 12-15 and 17-20.

III.   CONCLUSION

As a result of the foregoing, the Applicant asserts that the remaining Claims in the Application are in condition for allowance, and respectfully requests an early allowance of such Claims.
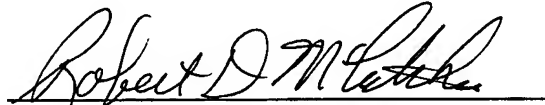
If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *rmccutcheon@munckbutrus.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Munck Butrus Deposit Account No. 50-0208.

Respectfully submitted,

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